

REMARKSClaim Status

Claims 11-18 remain pending in the present application. Claims 1-10 are canceled without prejudice to presenting these claims in one or more continuing applications. No forfeiture of subject matter is intended.

Claim 12 is amended in an editorial manner, and not in response to the art or any formal requirement. The term "the" has been changed to "an".

Art-based rejection*Claims 11-13*

Claims 11-12 stand rejected over U.S. Patent No. 6,788,801 (hereafter referred to as "the Liao patent") in view of U.S. Patent No. 6,125,200 (hereafter referred to as "the Warnock patent"). Claim 13 stand rejected over the Liao patent and the Warnock patent in further view of the Wang patent (U.S. Patent No. 6,252,971). Applicants respectfully traverse these rejections.

Claim 11 recites, in combination with other features, determining a color characteristic for a group of image samples, and based at least in part on the characteristic, determining for the group of image samples which of the plurality of color channels should receiving encoding.

The cited passages of the Warnock patent do not determine a color characteristic associated with a group of image samples, and then based on that characteristic, determine which of a plurality of color channels should receiving encoding, as recited in claim 11.

Instead, the cited passages of the Warnock patent would determine a color channel based on non-image information, i.e., text color (see, e.g., Col. 3, lines 8-13: "Thus, if the text is black, then the K channel in the CMYK color space is selected.").

The Liao patent is also deficient in this manner. The cited passages of the Liao patent at Col. 3, lines 47-50 suggest that different types of images (e.g., color and black and white) can be handled by the Liao system. But this passage does not say whether a

particular image is analyzed to determine a color characteristic associated with the particular image.

Thus, even if combined as suggested, the art as applied would not teach or suggest the combination recited in claim 11. (We also question whether these two patents should be combined at all. For example, the Office Action did not discuss how the non-transform domain approach in the Warnock patent should be combined with the transform domain approach discussed in the Liao patent.)

The dependent claims are also believe to recite patentable combinations.

Claims 11-13 stands ready for allowance.

Claims 14-18

Claims 14-18 stand rejected over U.S. Patent No. 5,818,032 (hereafter referred to as "the Sun patent") in view of U.S. Patent No. 6,777,931 (hereafter referred to as "the Takada patent"). Applicants respectfully traverse these rejections.

The Examiner suggests that the Takada patent is "concerned with color" since a magnitude of a signal is displayed with a black line. See the Office Action at page 2, paragraph 3.

We maintain our earlier position that the Takada patent is not concerned with a material's (or image's) color. But, rather, uses color as a display technique to represent surface flaws, e.g., cracks, in metal.

The cited passage of the Takada patent at Col. 2, lines 32-40 suggest changing a "display" color (see Col. 2, lines 30-31) or depth of the color based on a magnitude of a signal (Col. 2, lines 37-38), and not based on image color characteristics. The magnitude of a signal is obtained by a measuring probe, e.g., a test signal obtained by a surface testing probe (see, e.g., Col. 2, lines 22-24). These passages are concerned with how to best "display" flaws or cracks in materials to a viewer via a color representation of surface flaws, and do not seem concerned with the colors of the materials themselves.

We renew our objection regarding the propriety of combining these documents as suggested by the Office. The Takada patent is related to displaying a signal obtained by a measuring probe, e.g., showing surface flaws of a cylindrical body of metal such as a rolling roll. See, e.g., Col. 1, lines 16-21. In contrast the Sun patent is related to encoded

color halftone microdots. There appears to be no motivation to combine these references as suggested, nor do we believe an artisan in one of these fields (e.g., measuring surface flaws) would be motivated to consult the other field when looking for improvements (e.g., improving encoding of halftone microdots).

We respectfully request that claim 14 be allowed.

(The dependent claims are also believed to recite patentable combinations.)

Favorable reconsideration is requested.

Conclusion

The application is believed to be in condition for allowance. Nevertheless, the Examiner is invited to telephone the undersigned at 503-469-4685 if any question remains.

Date: January 4, 2006

Respectfully submitted,

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